

Office of Liquor and Gaming Regulation



Information Notice

Application Type: Variation of Conditions

Trading Name: Hotel Maroochydore

Address of the Premises: 201 Maroochydore Road, Maroochydore

Date of the Decision: 12 October 2021

Applicable Legislations: Section 111 - *Liquor Act 1992*

Brief Summary of the Reasons for the Decision

On 12 October 2021, as delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for variation of licence lodged by the applicant on 9 March 2017. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a variation of licence under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by Queensland Police Service (QPS) or OLGR Compliance.
3. 10 letters of objection were received from the community.
4. The premises are located in a residential area of Maroochydore.
5. Appropriate noise mitigation conditions will be imposed following assessment of the acoustic report submitted in support of the application.
6. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
7. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in section 111 of the Liquor Act.

I took into account the objections received which outlined the following concerns:

8. Allowing speakers in the outdoor area would create an environmental nuisance that would adversely impact on the residential amenity.
9. Removal of sound limiting devices, in particular after 10:00pm, would severely heighten the risk of noise disturbance to residential properties surrounding the premises, including those on the immediate boundary.
10. Disturbance due to outside speakers making noise unbearable to residents, many of whom are elderly.

11. A potential increase in anti-social behaviour.

In response to the objections received, I am satisfied that the granting of the variation of licence would not necessarily have an adverse effect on the amenity of the locality as:

12. No objections were received from the QPS or OLGR Compliance.
13. A compliant acoustic report has been lodged and assessed by OLGR compliance.
14. Appropriate noise attenuation conditions will be determined and imposed on the licence as a result of the assessment of the acoustic report.
15. The licensee has a responsibility to ensure the entertainment and activities do not impact neighbouring resident. If issues cannot be resolved directly with the licensee there is a complaint process available for the community and for OLGR to take appropriate action if it is required.
16. A decision to grant the application will likely be reasonable and justifiable in accordance with the Human Rights Act 2019, as details conditions will be endorsed on the licence.

After considering all of the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to grant the variation of licence application, subject to the following:

Removal of condition/s:

599714 - Speakers used to amplify entertainment, music noise, or non-amplified entertainers must not be located in any outdoor area of the premises.

1880506 - Noise emanating from entertainment, music or related activities in the Lounge/Bistro area including amplified or non amplified noise and patron noise must not exceed the following criteria when measured fast response, approximately 3 metres from the primary source of the noise:

- (a) 98dB(C) between the hours of 10:00am and 10:00pm;
- (b) 88dB(C) between the hours of 10:00pm and 12midnight; and
- (c) 75dB(C) at all other times.

1880512 - Noise emanating from entertainment, music or related activities in the Sports Bar area including amplified or non amplified noise and patron noise must not exceed the following criteria when measured fast response, approximately 3 metres from the primary source of the noise:

- (a) 93dB(C) between the hours of 10:00am and 10:00pm;
- (a) 81dB(C) between the hours of 10:00pm and 12midnight; and
- (b) 75dB(C) at all other times.

1880514 - All external doors and windows must be fully closed whenever noise including amplified or non amplified noise and patron noise exceeds 75dB(C) fast response when measured approximately 3 metres from the primary source of the noise, with the following exceptions:

- i. main entry door to Lounge/Bistro area on western side of building;
- ii. main entry door to Sports Bar area on northern side of building; and
- iii. one single door of the bi-fold doors located along the northern wall of the north eastern corner of the secondary Sports Bar area (directly opposite TAB).

1880516 - Live entertainment, including DJs, is only permitted in the following areas:

- (a) in the north eastern corner of the main Sports Bar area and only between the hours of 10:00am and 10:00pm; and
- (b) in the north eastern corner of the Bistro area.

1880518 - With the exception of the criteria outlined for the Sports Bar and Lounge/Bistro areas, noise emanating from inside the premises including amplified or on-amplified noise and patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.

And the imposition of the following conditions:

- *Unless otherwise conditioned on this licence, noise emanating from the interior of the premises, including amplified and/or non-amplified noise and/or patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.*
- *Unless otherwise conditioned on this licence, speakers used to amplify noise must not be located in any outdoor, verandah or footpath area of the premises.*
- *Entertainers or speakers used to amplify entertainment are only permitted in the covered outdoor area located on the north eastern side of the Sports Bar.*
- *Noise emanating from the premises, including amplified and/or non-amplified noise and/or patron noise, must not exceed the following limits, fast response, when measured at the following close external monitoring locations (CEML's):*
 - CEML 1** - *Located externally on the grassed area on the north eastern side of the premises, approximately 1 metre south of the northern most tree and approximately 3 metres west of the eastern most tree.*
 - 37dB(A) between 10.00am and 10.00pm*
 - 60dB(C) between 10.00pm and 1.00am*
 - CEML 2** – *Located externally to the main bistro entry/exit adjacent to the western carpark between two metal bollards.*
 - 59dB(A) between 10.00am and 10.00pm*
 - 68dB(C) between 10.00pm and 1.00am*
 - CEML 3** – *Located externally approximately 2 metres south of the fire hydrant in the garden bed located adjacent to the first driveway of the premises closest to Maroochydore Road.*
 - 37dB(A) between 10.00am and 10.00pm*

54dB(C) between 10.00pm and 1.00am

- *Alterations or changes to the premises or landscape that could vary the location of any CEML's or make their location unidentifiable are to not be undertaken without the authority of the Commissioner for Liquor and Gaming.*

Delegate of the Commissioner for Liquor and Gaming

12 October 2021